

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

Tiffany P. Charles

Fed Docket: 1:22-cv-3549

Versus

JUDGE:

**Trisura Specialty Insurance Company,
CCampos Trucking LLC, and Jose R.
Rodriguez Montemayor**

MAGISTRATE:

NOTICE OF REMOVAL

PLEASE TAKE NOTICE, that Trisura Specialty Insurance Company, appearing herein through its undersigned counsel, hereby removes that certain action entitled, “*Tiffany P. Charles versus Trisura Specaitly Ins. Co et al*” bearing Civil Action No. 91691, on the docket of the 16th Judicial District Court for the Parish of St. Martin, State of Louisiana, to the United States District Court for the Western District of Louisiana. In support of removal, defendant respectfully submits the following:

I.

This lawsuit was filed by Plaintiff, Tiffany Charles, against defendants, Trisura Specialty Insurance Compay, CCampos Trucking LLC and Jose R. Rodriguez Montemayor in the 16th Judicial District Court for the Parish of St. Martin, State of Louisiana, on May 24, 2022. Trisura Specialty Insurance Company is filing an Answer to the original Petition for Damages with this removal and all issues are joined.

II.

The *Tiffany P. Charles* lawsuit is a civil action seeking damages for the following: past, present and future mental pain and suffering; past, present and future physical pain and suffering; past, present and future medical expenses; and past, present and future loss of income and/or

impairment of earning capacity and property damages as a result of a motor vehicle accident which allegedly occurred on May 28, 2021. Tiffany P. Charles alleges that she was driving her 2014 Honda Accord LX, in the far-right hand turning lane stopped at a stop sign to exit Walmart northbound onto Rees St in Breaux Bridge, Louisiana. Plaintiff alleges that defendant, Jose R. Rodriguez Montemayor was also exiting the Walmart directly to the left of the plaintiff vehicle and he allegedly turned right across the path of the plaintiff vehicle making impact to the driver's side of the plaintiff vehicle.

III.

Plaintiff, Tiffany P. Charles, is a resident of St. Martin Parish, Louisiana.

IV.

In accordance with the Corporate disclosure requirements of Federal Rule of Procedure 7.1, defendant provides the following:

Trisura Specialty Insurance Company is a foreign company to the state of Louisiana; it is incorporated in Oklahoma City, Oklahoma with its principle place of business and mailing address as 210 Park Ave suite 1300; Oklahoma City, Oklahoma, 73102. Trisura Specialty Insurance Company is 100% owned by Trisura Group, Inc., a public company with its common shares trading on the Toronto Stock Exchange.

IX.

Pursuant to 28 USCA §1446 (d), written notice of removal of this action has been given to all adverse parties. A copy of the Notice is also being filed with the 16th Judicial District Court for the Parish of St. Martin, State of Louisiana, as required by 28 USCA §1446 (d).

X.

Trisura Specialty Insurance Company, CCampos Trucking LLC, and Jose R. Rodriguez

Montemayor are the only named defendants herein.

XI.

All and singular, the premises and representations of this Notice are true and correct and within the jurisdiction of this Honorable Court.

XII.

The time in which Defendant may remove this matter has not yet expired. This Notice of Removal is filed within thirty days of the date Defendant received other paper from which it was first ascertained this case is one which is or has become removable. 28 U.S.C. §1446(b).

XIII.

Plaintiff's counsel has forwarded a demand for \$1,000,000 and refuses to stipulate to a damages limit of \$75,000 exclusive of interest and costs.

XIV. JURY DEMAND

Defendant is entitled to and requests a trial by jury on all issues herein.

WHEREFORE, defendant, Trisura Specialty Insurance Company, prays that this Notice of Removal will be deemed proper and that this action proceed in this Honorable Court as an action properly removed to it from the 16th Judicial District Court for the Parish of St. Martin, State of Louisiana, and further prays for a jury trial and all other general and equitable relief deemed appropriate by this Honorable Court.

Respectfully submitted by:

/S/ Sean P. Rabalais
SEAN P. RABALAIS (#28410)
PERRIER & LACOSTE LLC
365 Canal Place suite 2550
New Orleans, LA 70130
Direct Dial: (504) 212-8819
Legal Assistant Dial:

Facsimile: (504) 535-2595
Email: Srabalais@perrierlacoste.com
E-Service Email: Srabalais@perrierlacoste.com
Attorney for Trisura Specialty Insurance Company

CERTIFICATE

I do hereby certify that a copy of the foregoing pleading has been served on all counsel by depositing same in the electronic mail, United States Mail, properly addressed and postage prepaid and/or electronic mail, on this 24th day of August, 2022.

/S/ Sean P. Rabalais.
Sean P. Rabalais